

JOHN T. VAN DER TUIN
16 Elsway Rd.
Short Hill, New Jersey 07078

March 14, 2013

Judith A. Enck
Regional Administrator, Region 2
U.S. Environmental Protection Agency
290 Broadway
New York, New York 10007-1866

Re: Lower Passaic River Restoration Project

Dear Administrator Enck:

I have spent, literally, thousands of hours on the lower Passaic River, from roughly mile 7 to mile 15, over the last decade rowing my shell and working with other masters and youth rowers on regattas and river improvement projects.¹ So, I enthusiastically endorse the Restoration Project you are engaged in to remediate the lower Passaic and make it a valuable recreational asset for all of us in the metropolitan area. I hope it bears fruit in my lifetime.

I do have a concern, however. Sometimes it is just beautiful to see the dozens of shells out on the river; other times it just, literally, stinks or is so clogged with floatables as to be unrowable. I am thus, concerned, that in addition to, and of equivalent importance to, the effort to remove contaminated sediments, there must be an effort to address CSO's, clean up floatables, restore the riverbanks and improve and regulate adjacent development. I fear that a single-minded focus on sediment dredging and removal – in addition to being extraordinarily expensive and disruptive to the use of the river – will neglect these other, and equally important, efforts. In this regard, I note that the goals of the Lower Passaic River Restoration Project are five, and extend beyond sediment removal:

- remediation of contaminated sediments
- improve water quality
- restore degraded shorelines
- restore and create new habitats
- enhance human use.

I understand that the Lower Passaic River Study Area Cooperating Parties Group has nearly completed a study and alternative plan that would address all of the goals of the Restoration Project. I haven't seen it, and thus can't yet endorse its details, but I would urge that the EPA Focused Feasibility Study not be advanced until the CPG study is complete and can be considered, with open minds, as an alternative or complement to the Focused Feasibility Study.

Thank you.

Very truly yours,



John Van Der Tuin

¹ In my professional life, I have also represented community groups and companies to enforce the provisions of environmental statutes and regulations. See, e.g., *Coalition for a Liveable West Side, Inc., et al. v. New York City Dep't. of Environmental Protection*, 830 F.Supp. 194 (S.D.N.Y. 1993); *Coalition Against Columbus Center, et al. v. City of New York*, 769 F.Supp. 478 (S.D.N.Y. 1991); *In the Matter of Coca-Cola Bottling Co. of New York v. Bd. of Estimate*, 72 N.Y.2d 674 (1988). I am not an apologist for corporate polluters.

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March 14, 2013
Page 2

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